

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5771 of 2007()

CRIME NO.377/07 OF ANTHIKAD POLICE STATION, THRISSUR

: PETITIONER/SOLE ACCUSED:

M.S. VINAYAN, S/O. SEKHARAN,
MOOTHERI HOUSE, PAZHUVIL DESOM, KURUMBILAVU VILLAGE
THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: STATE OF KERALA/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
ANTHIKAD POLICE STATION THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.5771 of 2007

Dated this the 1st day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the sole accused in a crime registered for offences punishable under Sections 420 and 406 I.P.C. Subsequently 2 other accused have also been arrayed as accused, submits the learned Public Prosecutor . The crime has been registered on the basis of a complaint which was referred to the police under Section 156(3) Cr.P.C by the learned Magistrate. The crux of the allegations is that the defacto complainant was induced to part with amounts to facilitate construction of a Hanuman Temple by the accused. The defacto complainant handed over the amounts available with her. She allegedly pledged her gold ornaments to raise further amounts. Her gold ornaments were sold of because she was not able to repay the money. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances to which brief reference has already been made that the petitioner can be granted anticipatory bail subject of course to appropriate terms and conditions.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 08.10.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 09.10.2007 and 10.10.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 08.10.07 as directed in clause (1) above, he shall be released from

custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 08.10.07.

(R.BASANT, JUDGE)

rtr/-